

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5891 OF 2007

IN

FIRST APPEAL NO. 2663 OF 2007

|                              |               |
|------------------------------|---------------|
| M/s.Bramha Bazaz Hotels Ltd. | ...Applicant  |
| V/s.                         |               |
| Mr.Dayaram Ramphal Maurya    | ...Respondent |

Mr.Y.S. Jahagirdar i/b. Mr.P.M. Gore for the Applicant.  
Mr.J.Reis with Mr.Nirgun Pandit i/b. Hemant Shetty & Co.  
for the Respondent.

CORAM : D.K. DESHMUKH &  
V.M. KANADE, JJ.

DATED : NOVEMBER 28, 2007

P.C. :-

1. Heard the learned Counsel for both the sides.
2. The learned Advocate appearing for the appellant states that the appellant will deposit the decretal amount within a period of ten weeks.
3. In our opinion, the following order would meet the ends of justice :-

a) The decree impugned in the appeal shall remain stayed subject to the condition that within the period of ten weeks from today the

appellant deposits in the trial court with due intimation to the respondent the decretal amount.

b) On deposit being made, the trial Court shall permit the plaintiff-respondent to withdraw the amount on furnishing a Bank Guarantee of a Nationalised Bank to the satisfaction of the trial court and on furnishing an undertaking before the trial court but undertaking to this court to redeposit the amount if so directed by this Court and on such terms and conditions as may be directed by this Court.

c) He shall further give an undertaking that the rate of interest in that event shall not be less than 15%.

d) Withdrawal be permitted within eight weeks from the date of deposit. If the amount is not withdrawn within that period, the amount shall be kept in a Fixed Deposit in a Nationalised

Bank to the credit of the appeal.

4. Civil Application is disposed of.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)